

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JASON LEE VAN DYKE
Plaintiff

v.

THOMAS CHRISTOPHER RETZLAFF
a/k/a Dean Anderson d/b/a BV Files, Via
View Files L.L.C., and ViaView Files
Defendant

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Case No. 4:18cv247

PLAINTIFF'S RESPONSE TO MOTION TO QUASH

Plaintiff, Jason Lee Van Dyke, files this response to Defendant's motion to quash his subpoena.

1. Defendant's motion is moot. Plaintiff agreed to withdraw the subpoena in question and has done so. A copy of the e-mail withdrawing the subpoena is attached hereto as Exhibit "A" and incorporated by reference herein.
2. Plaintiff apologizes to defense counsel if the subpoena was not withdrawn within a time frame that he would have preferred. The matter was brought to Plaintiff's attention at approximately 12:00 noon on April 22, 2020 immediately prior to Plaintiff leaving his home for a period of approximately 48 hours to go camping in Grayson County, participate in an archery hunt coinciding with the opening of the Eastern Turkey season in said county, and frankly, to take a brief break (to the extent possible) from the three year of being stalked by Mr. Retzlaff.
3. Defendant's motion is, in any case, unmeritorious. He is correct in stating the wording of Local Rule AT-2(b)(1). Plaintiff timely tendered a copy of the disciplinary order to the Court and was not notified that it was either (a) not received; or (b) not processed

until after the period of suspension had expired. The procedures stated by Local Rule AT-2(b)(2) were, for whatever reason, not followed with respect to Plaintiff.

4. Since reciprocal discipline was not imposed by this Court, Defendant's motion is without merit. Plaintiff's agreement to withdraw the subpoena was solely in the interest of collegiality and Plaintiff's disinterest in further dealing with frivolous and harassing disciplinary complaints by Defendant (there have been a total of sixteen such filing in Texas alone by Defendant since December 20, 2007).
5. Plaintiff has withdrawn the subpoena and Defendant's motion should be denied as moot. Even if Defendant's motion was not moot, it would be unmeritorious because, despite being notified of the discipline, the reciprocal discipline procedures set forth in Local Rule AT-2(b) were not imposed against Plaintiff.

Respectfully submitted,

/s/ Jason Lee Van Dyke

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was electronically filed on the CM/ECF System, which will automatically serve a Notice of Electronic Filing on Jeffrey Dorrell, Attorney for Defendant.

/s/ Jason Lee Van Dyke

JASON LEE VAN DYKE